

STATE OF TENNESSEE - COUNTY OF BEDFORD
17TH JUDICIAL DISTRICT

DAVID EARL ROACH,)
)
PLAINTIFF,)
)
V.) CASE NO. 12379
)
SANFORD, L.P. and)
NEWELL RUBBERMAID INC.,)
)
DEFENDANTS.)

To the above named Defendant: **Sanford, LP** (Serve through Registered Agent: Corporation Service Company, 2908 Poston Ave., Nashville, TN 37203); **Newell Rubbermaid, Inc.** (Serve through Registered Agent: Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, DE 19808).

You are summoned to appear and defend a civil action filed against you in Circuit Court, Bedford County, Tennessee, and your defense must be made within thirty (30) days from the date this summons is served upon you. You are further directed to file your defense with the Clerk of the Court and send a copy to the Plaintiff's attorney at the address listed below.

In case of your failure to defend this action by the above date, judgment by default will be rendered against you for the relief demanded in the complaint.

ISSUED: 11/21, 2011.

Thomas A. Smith
Circuit Court Clerk, Bedford County, TN
By: *Jane Carr*
Deputy Clerk

ATTORNEY FOR PLAINTIFF: H. Thomas Parsons, 101 W. Main Street, Manchester, TN 37355

NOTICE

TO THE DEFENDANT(S):

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TO THE SHERIFF: Please execute this summons and make your return thereon as provided by law.

Circuit Court Clerk

Received this summons for service this _____ day of _____, 2011.

Officer

RETURN ON SERVICE OF SUMMONS

I hereby certify and return, that on the _____ day of _____, 2011, I served this summons together with the complain herein as follows: _____

OFFICER

RETURN ON SERVICE OF SUMMONS BY MAIL

I hereby certify and return, that on the _____ day of _____, 2011, I sent, postage prepaid, by registered return receipt mail or certified return receipt mail, a certified copy of the summons and a copy of the complaint in Case No. _____ to the defendant,

On the return receipt for said registered or certified mail, which had been signed by
_____ on the _____ day of _____,

_____. Said return receipt is attached to this original summons and both documents are being send herewith to the Circuit Court Clerk for filing.

SWORN TO AND SUBSCRIBED BEFORE ME ON

THIS _____ DAY OF _____,

NOTARY PUBLIC or DEPUTY CLERK
MY COMMISSION EXPIRES: _____

PLAINTIFF, PLAINTIFF'S ATTORNEY OR OTHER
PERSON AUTHORIZED BY STATUTE TO
SERVE PROCESS

IN THE CIRCUIT COURT FOR THE FIFTEENTH JUDICIAL DISCTRRICT OF
TENNESSEE AT SHELBYVILLE

DAVID EARL ROACH,)
)
PLAINTIFF,)
)
V.)
)
SANFORD, L.P. and)
NEWELL RUBBERMAID INC.,)
)
DEFENDANTS.)

)

CASE NO. 12319

Filed this 31 day of Nov 11
THOMAS A. SMITH, CLERK
CIRCUIT & GENERAL SESSIONS
BEDFORD COUNTY, TENNESSEE

BY Jane Carr
DEPUTY CLERK

COMPLAINT

Comes now the plaintiff, DAVID EARL ROACH (hereinafter "Mr. Roach"), and brings this cause of action against the defendants, SANFORD, L.P. (hereinafter "Sanford") and Newell Rubbermaid Inc., and would show as follows:

PARTIES

1. Mr. Roach is a citizen and resident of Bedford County, Tennessee having an address of 114 Maplewood Drive, Shelbyville, Tennessee.
2. Sanford is an active, for-profit, limited partnership formed in Illinois, operating under the laws of Tennessee, and having a principal address of 2711 Washington Blvd, Bellwood, IL 60104. Sanford's registered agent for service of process is Corporation Service Company having an address of 2908 Poston Ave., Nashville, Tennessee, 37203. Sanford operates a production facility in Tennessee at 1658 Railroad Avenue, Shelbyville, Tennessee, 37160. Sanford is a subsidiary of Newell Rubbermaid Inc. In the alternative, Sanford is a division of Newell Rubbermaid Inc.

3. Newell Rubbermaid Inc. is an active, for-profit, corporation, incorporated in Delaware and having a principal place of business of Three Glenlake Parkway, Atlanta, GA, 30328. Newell Rubbermaid Inc.'s registered agent for service of process is Corporation Service Company having an address of 2711 Centerville Road Suite 400, Wilmington, DE, 19808. Newell Rubbermaid Inc. is liable for damages caused by Sanford because of the business relationship between Newell Rubbermaid Inc. and Sanford.

JURISDICTION AND VENUE

4. The acts complained of herein occurred in Bedford County, Tennessee; therefore, this Honorable Court has jurisdiction over his matter pursuant to Tenn. Code Ann. § 16-10-101, and venue is proper in Bedford County, Tennessee pursuant to Tenn. Code Ann. § 20-4-101.

STATEMENT OF FACTS

5. Mr. Roach began working for Sanford at its Shelbyville, Tennessee production facility as a temporary employee in or about October of 2009 and became a regular, non-temporary, full-time employee on or about October 19, 2010.

6. Sanford makes writing instruments such as Sharpie marker pens at its Shelbyville, Tennessee production facility.

7. Mr. Roach worked in distribution and shipping during his time of employment with Sanford.

8. Mr. Roach's employment with Sanford was terminated on October 13, 2011.

9. During Mr. Roach's employment with Sanford, an employment-at-will relationship existed between Mr. Roach and Sanford.

10. On or about February 16, 2011, while working for Sanford, Mr. Roach felt a sharp pain in his stomach after lifting a large heavy box as required by his job duties. Mr. Roach reported the injury to a supervisor and filled out an incident report.

11. The morning after the injury, Mr. Roach noticed a large bulge protruding from his stomach.

12. Initially, Mr. Roach was treated for about two (2) months by the nurse practitioner employed by Sanford for what ultimately was diagnosed as a hernia.

13. Near the end of April of 2011, the pain Mr. Roach was experiencing from the work-related injury became intolerable requiring Mr. Roach to leave work early. The pain continued to be extreme and Mr. Roach could not return to work.

14. Mr. Roach kept his employer informed about his condition and made contact with the company's nurse practitioner daily.

15. Sanford's nurse practitioner referred and arranged for Mr. Roach to see a specialist, Dr. Ronald Angles, about his medical condition.

16. Dr. Angles diagnosed Mr. Roach with a hernia.

17. Mr. Roach immediately made an appointment with Dr. Monahan, a surgeon, and informed his employer of his condition.

18. Mr. Roach was seen by Dr. Monahan on or about May 2, 2011. Dr. Monahan scheduled Mr. Roach's surgery for May 10, 2011 and allowed Mr. Roach to return to work with restrictions.

19. On or about May 3, 2011, Mr. Roach returned to work under the restrictions placed on him by Dr. Monahan until the night before his surgery.

20. Dr. Monahan performed a hernia surgery on Mr. Roach on or about May 10, 2011.

21. Mr. Roach missed approximately eight (8) days of work prior to the hernia surgery and approximately seven (7) days while he was recovering from the surgery.

22. During the time that Mr. Roach missed work prior to the hernia surgery, he kept Sanford informed about his condition and stayed in contact with Sanford's nurse practitioner.

23. Because of his injury, Mr. Roach made a claim and received benefits under Sanford's worker's compensation plan.

24. Following his recovery from hernia surgery, Mr. Roach returned to work full-time at Sanford.

25. On or about September 6, 2011, Mr. Roach suffered from a non-work-related kidney problem that required him to spend two (2) nights in the hospital.

26. Upon being released from the hospital, Mr. Roach reported back to work on time for his normal shift; however, Sanford's nurse practitioner would not clear him to return to work until the following night's shift.

27. About a week after his hospitalization for the for the kidney problem, members of Sanford's management began to frequently question Mr. Roach about the days that he missed related to the hernia he suffered in February of 2011, telling him that he must provide doctor's notes for the time he missed related to the hernia. Mr. Roach informed them that he had been under the treatment of their nurse practitioner for his work-related hernia injury and provided doctor's notes for the days that he was under the care of doctors.

28. On October 11, 2011, Mr. Roach was suspended by Sanford.

29. Mr. Roach was told by a Sanford human resources employee that he was being suspended because he could not provide documentation about the days he missed related to his work-related hernia injury.

30. On October 13, 2011, Mr. Roach's employment with Sanford was terminated by telephone while he was on his way into work.

31. The reason given by Sanford for terminating Mr. Roach was that Mr. Roach did not provide documentation about the days he missed related to his work-related hernia injury.

CAUSE OF ACTION

32. Plaintiff restates and incorporates the allegations contained in the previous paragraphs.

33. Sanford's stated reason for terminating Mr. Roach was pretextual.

34. By making a claim for worker's compensation benefits, Mr. Roach was exercising a statutory right under Tennessee law.

35. Mr. Roach was terminated from his employment for making a claim for workers' compensation benefits.

36. The claim for worker's compensation benefits, an exercise of a statutory right, was a substantial factor in Sanford's decision to discharge Mr. Roach.

37. Sanford's termination of Mr. Roach for exercising a protected right is a clear violation of public policy and amounts to retaliatory discharge under Tennessee common law.

38. As a direct and proximate cause of Sanford's conduct, Mr. Roach has suffered losses, including but not limited to, lost wages and benefits, shame, humiliation and embarrassment, and lost earning capacity.

39. Upon information and belief, the actions of Sanford are in violation of the law and were performed intentionally, with malice and/or in reckless disregard and indifference to Mr. Roach's protected rights, and, furthermore, Sanford knew or should have known that its conduct was prohibited by law. Mr. Roach is therefore entitled to and seeks punitive damages.

Wherefore, Plaintiff David Earl Roach respectfully requests:

1. That Defendant be served with process requiring them to answer this Complaint.
2. Compensatory damages, consequential, and incidental damages, including but not limited to emotional damages, damages for humiliation and embarrassment, lost wages, lost benefits, and damages for future lost pay and lost benefits that Plaintiff would have accrued if his employment had not been terminated in the amount of \$500,000.00 or such other amount as may be determined by this Honorable Court.

3. Punitive damages of \$1,500,000.00 or such other amount as may be determined by this Honorable Court.

4. That costs and attorneys' fees be paid by the defendant.
5. Such further and general relief as this Honorable Court may deem just and proper.

Respectfully submitted,

PARSONS & NICHOLS

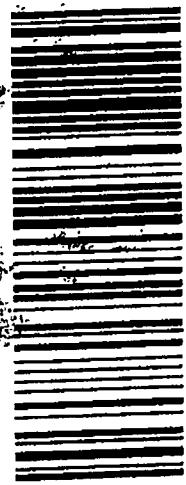
By: H. Thomas Parsons
H. Thomas Parsons, BPR# 2571
Parsons & Nichols
Attorney for Plaintiff
101 W. Main St.
Manchester, TN 37355
931-728-1316

We are surety for costs up to \$500.00

H. Thomas Parsons
H. Thomas Parsons

Parsons & Nichols
Attorneys at Law
101 West Main Street
Manchester, Tennessee 37355

CERTIFIED MAIL



7011 0470 0003 4809 5690

U. S. POSTAGE
PAID
MANCHESTER, TN
37355
NOV 23 11
AMOUNT
\$0.64
00024095-04



UNITED STATES
POSTAL SERVICE

1000 19808

Corporate Service Company
2711 Centerville Rd., Suite 400
Wilmington, DE 19808

U. S. POSTAGE
PAID
MANCHESTER, TN
37355
NOV 23 11
AMOUNT
\$5.15
00024095-04



UNITED STATES
POSTAL SERVICE

1000 19808

13500-11545

STATE OF TENNESSEE - COUNTY OF BEDFORD
17TH JUDICIAL DISTRICT

DAVID EARL ROACH,
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SANFORD, L.P. and
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By: *Jane Carr*
Deputy Clerk

ATTORNEY FOR PLAINTIFF: H. Thomas Parsons, 101 W. Main Street, Manchester, TN 37355

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Officer

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I hereby certify and return, that on the _____ day of _____, 2011, I served this summons together with the complain herein as follows: _____

OFFICER

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I hereby certify and return, that on the 23rd day of November, 2011, I sent, postage prepaid, by registered return receipt mail or certified return receipt mail, a certified copy of the summons and a copy of the complaint in Case No. 12379 to the defendant, Nevel Ruberman, Inc.

On the return receipt for said registered or certified mail, which had been signed by

on the 20th day of November,

Said return receipt is attached to this original summons and both documents are being send herewith to the Circuit Court Clerk for filing.

SWORN TO AND SUBSCRIBED BEFORE ME ON
THIS 1st DAY OF December, 2011

NOTARY
PUBLIC

NOTARY PUBLIC OR DEPUTY CLERK

MY COMMISSION EXPIRES: 1-17-2012

John Roach
PLAINTIFF, PLAINTIFF'S ATTORNEY OR OTHER
PERSON AUTHORIZED BY STATUTE TO
SERVE PROCESS

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the envelope, or on the front if space permits.

1. Article Addressed to:

Corporation Service Co
2908 Poston Ave
Nashville, TN 37203
Nashville, TN 37203
NOV 20 2011

2. Article Number:

(Transfer from service label)

2011 0470 0003 4809 5683

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Agent
 Addressee

B. Received by (Printed Name)

John Roach

C. Date of Delivery

11/20/11

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

1000 BARKER ST.
NASHVILLE, TN 37203

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

STATE OF TENNESSEE - COUNTY OF BEDFORD
17TH JUDICIAL DISTRICT

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OFFICER

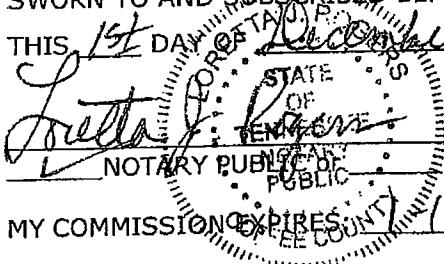
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On the return receipt for said registered or certified mail, which had been signed by
Cordie on the ? day of ?

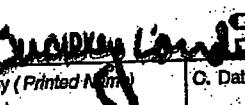
Said return receipt is attached to this original summons and both documents are being send herewith to the Circuit Court Clerk for filing.

SWORN TO AND SUBSCRIBED BEFORE ME ON

THIS 1st DAY OF December, 2011

STATE : DE
OF : TENNESSEE
NOTARY PUBLIC : Public
DEPUTY CLERK : ✓
MY COMMISSION EXPIRES : 17-2012


PLAINTIFF, PLAINTIFF'S ATTORNEY OR OTHER
PERSON AUTHORIZED BY STATUTE TO
SERVE PROCESS

SENDER: COMPLETE THIS SECTION	
<p>■ Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>	
1. Article Addressed to:	
<p><i>Corporate Service Co. 2711 Centerville Rd, Ste 400 Wilmington, DE 19808</i></p>	

COMPLETE THIS SECTION ON DELIVERY	
A. Signature 	
<input checked="" type="checkbox"/> Agent	<input type="checkbox"/> Addressee
B. Received by (Printed Name)	
C. Date of Delivery	
D. Is delivery address different from Item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	

3. Service Type	
<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input checked="" type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

2. Article Number (Transfer from service label)	7011 0470 0003 4809 5690
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PS Form 3811, February 2004 Case 4:11-cv-00074-HSM-SKL Document 1-1 Filed 12/28/11 Page 13 of 13 PageID #: 16	Domestic Return Receipt REACH	102595-02-M-1540
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